

Jonathan D. Lupkin, Esq.
FLEMMING ZULACK WILLIAMSON ZAUDERER LLP
One Liberty Plaza
New York, New York 10006
Tel: (212) 412-9500
Fax: (212) 964-9200
Email: jlupkin@fzwz.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMUSEMENT INDUSTRY, INC., dba WESTLAND : X
INDUSTRIES; PRACTICAL FINANCE CO., INC., :
Plaintiffs, : No. 07 Civ. 11586 (LAK)(GWG)
: (ECF)
- against - :
: NOTICE OF MOTION
MOSES STERN, aka MARK STERN; JOSHUA SAFRIN, :
FIRST REPUBLIC REALTY LLC, EPHRAIM :
FRANKEL, LAND TITLE ASSOCIATES ESCROW, :
Defendants. :
----- X

PLEASE TAKE NOTICE that upon the annexed declaration of Jonathan D. Lupkin, executed on February 27, 2008, and the exhibits attached thereto, the accompanying Memorandum of Law in support of this motion, and all other pleadings and proceedings had herein, Defendant Joshua Safrin will move this Court before the Honorable Lewis A. Kaplan, United States District Court Judge, at the Courthouse, 500 Pearl Street, New York, New York 10007-1312, Courtroom 12D, at a date and time to be set by the Court, for an order:

- a) pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure, granting Defendant Safrin's motion to dismiss the Complaint in its entirety and with prejudice;
- b) granting such other, further and different relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 6.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, answering papers, if any, shall be served within ten (10) business days hereof.

Dated: New York, New York
February 27, 2008

FLEMMING ZULACK WILLIAMSON
ZAUDERER LLP

By: _____/s/
Jonathan D. Lupkin (JL-0792)

One Liberty Plaza
New York, New York 10006
Tel: (212) 412-9500
Fax: (212) 964-9200
Email: jlupkin@fzwz.com

Attorneys for Defendant Joshua Safrin